

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 04-10718-RGS

STEVEN HORNE,)
RONALD BROWN)
)
Plaintiffs)
v.)
)
CITY OF BOSTON,)
SERGEANT ERIC BULMAN, and)
SERGEANT JOHN DAVIN,)
)
Defendants)
)

JOINT LOCAL RULE 16.1 STATEMENT

A. AGENDA FOR SCHEDULING CONFERENCE

Pursuant to Local Rule 16.1(B)(1), the parties hereby propose the following agenda of matter to be discussed at the scheduling conference on August 9, 2004:

1. Whether the Parties will consent to a jury trial before a Magistrate Judge.
2. The Plaintiffs' Rule 16.1C Settlement Proposal, which was duly served upon the Defendants and the Defendants' response thereto.
3. The Parties' proposed pre-trial schedule and Joint Discovery Plan.
4. The Parties' agreement that they may need to complete some fact discovery before they can determine if the case can be resolved through the use of an alternative dispute resolution program.
5. Whether the Court will agree to bifurcate the individual liability and municipal

liability portions of this case (for discovery purposes, for trial purposes, or for both). Plaintiffs oppose bifurcation.

6. All other issues raised in this Joint Statement.

B. PROPOSED DISCOVERY PLAN:

Pursuant to Local Rule 16.1(D)(1) and (2), the parties hereby propose the following Discovery Plan.

Plaintiffs' Proposed Discovery Plan (if case is not bifurcated):

1. All Parties shall comply with the Automatic Disclosure Requirements of Fed. R. Civ. P. 26(a) and Local Rule 26.2 by **October 31, 2004**.
2. All demands for discovery (including, without limitation, all interrogatories, request for admissions and requests for production of documents and things) shall be served and all depositions shall be taken by **August 1, 2005**.

The Parties submit that all Parties will, however, be under a continuing obligation to respond to discovery and supplement previous responses to the extent required under the Rules of Civil Procedure.

3. Plaintiffs' expert reports to be served by **September 30, 2005** and Defendants' expert reports to be served by **October 31, 2005**.
4. Depositions of experts to be completed by **November 30, 2005**.
5. All motions pursuant to F.R.C.P. 56 shall be served and filed by **December 31, 2005**;
6. Final pre-trial conference held and a firm trial date as the Court so orders.

Defendants' Proposed Discovery Plan (if case is bifurcated):

1. Parties shall comply with the Automatic Disclosure Requirements of Fed. R. Civ. P. 26(a) and Local Rule 26.2 by **September 30, 2004**.
2. All demands for discovery regarding the claims brought against the individual defendants (including, without limitation, all interrogatories, request for admissions and requests for production of documents and things) shall be served and all depositions shall be taken by **March 1, 2005**.
3. All motions pursuant to F.R.C.P. 56 shall be served and filed by **June 1, 2005**;
4. Final pre-trial conference held and a firm trial date as the Court so orders, and subsequent discovery and trial of the municipal liability case if necessary.

Discovery Event Limitations: The parties agree to abide by the discovery event limitations contained in Local Rule 26.1(C), except that, given the large number of witnesses Plaintiffs anticipate that they may need to take more than ten depositions. In such event and provided the parties are not able to reach agreement on the total number of depositions to be taken by Plaintiffs after conferring in accordance with the Local Rules, Plaintiffs shall seek the Court's assistance to resolve any disagreement between the parties.

C. MODIFICATION OF SCHEDULE

All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause

shown.

D. SETTLEMENT

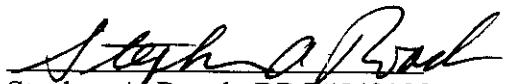
Plaintiffs have duly served their Local Rule 16.1(C) settlement statement on Defendants.

E. CERTIFICATION BY COUNSEL

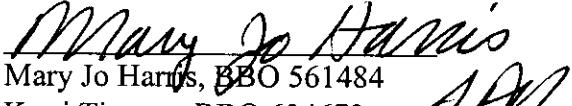
Pursuant to Local Rule 16.1(3), we hereby certify that we have conferred (a) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

RESPECTFULLY SUBMITTED,

Plaintiffs,
By their Attorneys,


Stephen A. Roach, BBO#542138
ROACH & WISE, LLP
31 State Street
Boston, MA 02109
(617) 723-2800

Defendants
By their Attorneys,


Mary Jo Harris, BBO 561484
Kerri Tierney, BBO 634679
Legal Advisor's Office
Boston Police Department
One Schroeder Plaza
Boston, MA 02120
(617) 343-4550

August 3, 2004